

REMARKS

The following remarks are fully and completely responsive to the Office Action dated October 12, 2004. Claims 2-5, 7-16 and 21-32 are pending in this application with claims 1, 6 and 17-20 canceled, claims 2-4, 7-9, 12, 13 and 16 amended, and claims 21-32 added by the present Amendment. In the outstanding Office Action, the title was objected to; claims 12-16 were rejected under 35 U.S.C. § 112, second paragraph; claims 17-18 were rejected under 35 U.S.C. § 101; and claims 1, 6 and 17-20 were rejected under 35 U.S.C. § 103(a). Claims 2-5 and 7-16 were indicated as containing allowable subject matter. No new matter has been added. Claims 2-5, 7-16 and 21-32 are presented for reconsideration.

The Title

The Office Action asserted that the title of the invention is not descriptive. The title has been amended to read "A DIGITAL SIGNAL PROCESSING APPARATUS". Accordingly, the title is now descriptive of the invention. Therefore, Applicants respectfully request reconsideration and withdrawal of the objection to the title.

35 U.S.C. § 112, Second Paragraph

Claims 12-16 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Specifically, the Office Action noted that claims 12, 13 and 16 used the term "can be" which the Office Action considered indefinite. Claims 12, 13 and 16 have been amended to remove the term "can be". Claims 14 and 15

depend from claim 13. Accordingly, claims 12-16 now particularly point out and distinctly claim the subject matter which Applicants regard as the invention. Therefore, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 12-16 under 35 U.S.C. § 112, second paragraph.

35 U.S.C. § 101

Claims 17-18 were rejected under 35 U.S.C. § 101. The cancellation of claims 17 and 18 renders this rejection moot.

35 U.S.C. § 103(a)

Claims 1, 6 and 17-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Orling (U.S. Patent No. 6,430,587). The cancellation of claims 1, 6 and 17-20 renders this rejection moot.

Allowable Subject Matter

Claims 2-5 and 7-11 were objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims. Claims 2-4 and 7-9 have been rewritten in independent form including all the limitations of the base claim and any intervening claims. Claim 5 depends from claim 4 and claims 10 and 11 depend from claims 9 and 10, respectively. Accordingly, Applicants respectfully request reconsideration and withdrawal of the objection to claims 2-5 and 7-11.

The Office Action also admits that claims 12-16 contain allowable subject matter, and would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. § 112, second paragraph. As discussed above, Applicants' amendments to claims 12, 13 and 16 overcome the rejection under 35 U.S.C. § 112, second paragraph. Accordingly, Applicants respectfully request allowance of claims 12-16.

New Claims

New claims 21-32 have been added to claim additional embodiments of the present invention. Specifically, claims 21-26 have been added to recite the process used in the apparatus of claims 2-5 and 7-9. Similarly, new claims 27-32 have been added to recite a computer program for a computer that performs the process recited by the apparatus recited in claims 2-5 and 7-9. The Office Action admitted claims 2-4 and 7-9 were allowable. Therefore, new claims 21-32 are also allowable. Therefore, Applicants respectfully request consideration and allowance of new claims 21-32.

Conclusion

Applicants' amendments and remarks have overcome the objections and rejections set forth in the Office Action dated October 12, 2004. Specifically, Applicants' amendment to the title overcomes the objection to the title. Applicants' amendments to claims 12, 13 and 16 overcome the rejection of claims 12-16 under 35 U.S.C. § 112, second paragraph. Applicants' cancellation of claims 1, 6 and 17-20 overcomes the rejection of these claims under 35 U.S.C. § 101 and 35 U.S.C. § 103(a). Applicants' amendments to claims 2-4 and 7-9 overcome the objection to claims 2-5 and 7-11.

New claims 21-32 have been added and are allowable for the reasons discussed above. Accordingly, claims 2-5, 7-16 and 21-32 are in condition for allowance. Therefore, Applicants respectfully request consideration and allowance of claims 2-5, 7-16 and 21-32.

Applicants submit that the application is now in condition for allowance. If the Examiner believes the application is not in condition for allowance, Applicants respectfully request that the Examiner contact the undersigned attorney by telephone if it is believed that such contact will expedite the prosecution of the application.

In the event that this paper is not considered to be timely filed, Applicants respectfully petition for an appropriate extension of time. Please charge any fee deficiency or credit any overpayment to Deposit Account No. 01-2300, referring to client-matter number 108390-00026.

Respectfully submitted,
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